

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID HASSAN ALI HAYWOOD,

Petitioner,

v.

COMMONWEALTH OF
PENNSYLVANIA, et al.,

Respondents.

No. 3:18-CV-00972

(Judge Brann)

(Magistrate Judge Carlson)

ORDER

FEBRUARY 7, 2019

On January 10, 2019, Magistrate Judge Martin C. Carlson issued a Report and Recommendation¹ recommending that this Court dismiss David Hassan Ali Haywood's Petition for a Writ of Habeas Corpus² without prejudice. On January 22, 2019, Mr. Haywood filed a document titled "Motion to Stay,"³ which this Court is interpreting as an objection to Judge Carlson's recommendation that this Court dismiss, rather than stay, Mr. Haywood's Petition.

¹ ECF No. 33.

² ECF No. 1.

³ ECF No. 34.

Because this Court has independently concluded⁴ that dismissal without prejudice is the appropriate disposition of Mr. Haywood's petition, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson's Report and Recommendation, ECF No. 33, is **ADOPTED IN ITS ENTIRETY**.
2. Mr. Haywood's Petition for a Writ of Habeas Corpus, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE**.
3. No certificate of appealability shall issue.
4. The Clerk of Court is directed to close this case.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge

⁴ 28 U.S.C. § 636(b)(1)(C) (“[A]ny party may serve and file written objections to [a magistrate judge’s Report and Recommendation]. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”)